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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,420	02/02/2001	R. Steven Schultz	01153.0001U3	4087

7590 07/01/2002

Lawrence D. Maxwell, Esq.
NEEDLE & ROSENBERG, P.C.
The Candler Building, Suite 1200
127 Peachtree Street, N.E.
Atlanta, GA 30303-1811

EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,420

Applicant(s)

SCHULTZ ET AL. *cd*

Examiner

Daniel S Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5&6. 6) ☐ Other: _____

DETAILED ACTION

1
2 1. Receipt of the preliminary amendment filed March 16, 2001 is acknowledged. Claims
3 1-15 are pending in the application and are presented to be examined upon thier merits.
4
5

Specification

6
7 2. The use of the trademark "UPS", "FEDEX", and other various trademarks have been
8 noted in this application. It should be capitalized wherever it appears and be accompanied by
9 the generic terminology.

10 Although the use of trademarks is permissible in patent applications, the proprietary
11 nature of the marks should be respected and every effort made to prevent their use in any
12 manner which might adversely affect their validity as trademarks.
13

Claim Rejections - 35 USC § 103

14
15 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
16 obviousness rejections set forth in this Office action:

17 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
18 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
19 such that the subject matter as a whole would have been obvious at the time the invention was made to a person

1 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
2 manner in which the invention was made.

3
4 4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et
5 al (hereinafter "O'Hagan", US 5,821,513) in view of Haluska (US 5,638,519).

6 **Regarding claims 1, 6 and 11:**

7 O'Hagan discloses a method, system and computer sytem for collecting electronic receipts for
8 purchases (see O'Hagan, figs. 16 and 20, col. 11, ll. 37 to col. 12, ll. 21)

9 (a) conducting a sales transaction between a buyer (customer/shopper) and a seller (retail
10 store/merchant)

11 (b) generating an electronic receipt 252 including information describing the purchase and
12 (see O'Hagan, at least fig. 16, col. 11 , ll. 59 to col. 12, ll. 6)

13 (c) transmitting the receipt via a computer network to a computing device operated by
14 the buyer, the buyer being presented via a hypermedia user interface of the device with a
15 representation of the information describing the primary purchase (see O'Hagan, at least , col. 4 ,
16 ll. 43+);

17 and

18 (e) storing in a centralized database a record of each receipt generated for each
19 transactions of the plurality of transactions (see O'Hagan col. 1, ll. 66+); and

1 including information indicating completion of the transaction (see O'Hagan, col. 12, ll.
2 37-40).

3 O'Hagan fails to disclose performing steps a, b, and c for each of a plurality of
4 transactions, no transaction of the plurality of transactions occurring between the same buyer and
5 seller as any other transaction of the plurality of transactions. Haluska discloses this feature (see
6 Haluska, Abstract). Since O'Hagan discloses transactions between buyer and seller within a
7 grocery store, it would have been obvious for an artisan at the time of the invention of O'Hagan
8 to employ the aforementioned steps for a plurality of users, because an artisan at the time of the
9 invention would recognize the fact that most business transactions are multifaceted and occur
10 many times between the buyer and seller, or between different buyers and sellers. For example,
11 the same customer may frequent the same grocery store, but so may other customers at the same
12 time during regular business hours. Thus such an obvious modification of O'Hagan by Huluska
13 to include a plurality of customers, would not fall outside of what is considered normal business
14 practice to obtain/retain customers, and thus would be considered an obvious expedient to one of
15 ordinary skill in the art.

16
17 **Regarding claims 2-5, 7-10 and 12-15:**

18 O'Hagan discloses, as in claims 2, 7, and 12, generating aggregate information in
19 response to stored receipts; and providing the aggregate information to one of the sellers (see
20 O'Hagan, fig. 19a, col. 12, ll. 7-21).

1 O'Hagan fails to disclose the receipt generator retrieving the *found* records and
2 transmitting representations of the *found* records to one of the buyers, adding information to a
3 found record, associating the added information with the found record in the database, and
4 downloading information in the found records to financial software as indications of purchases.
5 The aforementioned features are disclosed by Haluska (see Haluska, fig. 5, col. 11, ll. 1-55).

6 Since O'Hagan's invention provides memory storage of the product description and price
7 for each selected item (see at least O'Hagan, col. 1, ll. 66 to col. 2, ll. 4), It would have been
8 obvious for an artisan of ordinary skill at the time of the invention of to integrate the
9 aforementioned features disclosed in Haluska into the O'Hagan system because an artisan at the
10 time of the invention of O'Hagan would have found the ability to retrieve and transmit receipt
11 information as an obvious alternative to a printed receipt for providing convenience of
12 verification/viewing and correcting receipt data. Also an artisan of ordinary skill in the art would
13 recognize that the retrieval and transmission of electronic data (receipts) would provide means by
14 which multiple parties (at least the customer and merchant) could simultaneously and remotely
15 inspect/view the receipt. Thus such a modification would have been an obvious expedient well
16 within the ordinary skill in the art.

17

18

19

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Conclusion

5. A list of relevant prior art appears below not relied upon in this Office Action:

US Patents:

Buchanan (US 6,009,408)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.

Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor ***Vincent Millin*** whose telephone number is (703) 308-1065.

7. Response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

for formal communications intended for entry, or (703) 305-0040, for informal or draft communications, please label "Proposed" or "Draft".

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [*daniel.felten@uspto.gov*].

All Internet e-mail communications will be made of record in the application file. PTO

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Representative:

1 employees do not engage in Internet communications where there exists a possibility that
2 sensitive information could be identified or exchanged unless the record includes a properly
3 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
4 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
5 Trademark on February 25, 1997 at 1 195 OG 89.

6 

7 DSF

8 March 6, 2002

9


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600